

Senate File 402

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1 1 SENATE FILE 402
1 2
1 3 AN ACT
1 4 RELATING TO SEXUAL ASSAULT OFFENSES BY AFFECTING THE ADMISSI-
1 5 BILITY OF PRIOR CRIMINAL OFFENSES INTO EVIDENCE IN THE
1 6 PROSECUTION OF CERTAIN SEXUAL OFFENSES AND BY MODIFYING THE
1 7 PENALTIES FOR CERTAIN ASSAULTS.

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1 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 11 Section 1. NEW SECTION. 701.11 EVIDENCE OF SIMILAR
1 12 OFFENSES == SEXUAL ABUSE.

1 13 1. In a criminal prosecution in which a defendant has been
1 14 charged with sexual abuse, evidence of the defendant's
1 15 commission of another sexual abuse is admissible and may be
1 16 considered for its bearing on any matter for which the
1 17 evidence is relevant. This evidence, though relevant, may be
1 18 excluded if the probative value of the evidence is
1 19 substantially outweighed by the danger of unfair prejudice,
1 20 confusion of the issues, or misleading the jury, or by
1 21 considerations of undue delay, waste of time, or needless
1 22 presentation of cumulative evidence. This evidence is not
1 23 admissible unless the state presents clear proof of the
1 24 commission of the prior act of sexual abuse.

1 25 2. If the prosecution intends to offer evidence pursuant
1 26 to this section, the prosecution shall disclose such evidence
1 27 to the defendant, including statements of witnesses or a
1 28 summary of the substance of any testimony that is expected to
1 29 be offered, ten days prior to the scheduled date of trial.
1 30 The court may for good cause shown permit disclosure less than
1 31 ten days prior to the scheduled date of trial.

1 32 3. For purposes of this section, "sexual abuse" means any
1 33 commission of or conviction for a crime defined in chapter
1 34 709. "Sexual abuse" also means any commission of or
1 35 conviction for a crime in another jurisdiction under a statute
2 1 that is substantially similar to any crime defined in chapter
2 2 709.

2 3 Sec. 2. Section 708.2, Code 2003, is amended by adding the
2 4 following new subsection:

2 5 NEW SUBSECTION. 4A. A person who commits an assault, as
2 6 defined in section 708.1, and who uses any object to penetrate
2 7 the genitalia or anus of another person, is guilty of a class
2 8 "C" felony.

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2 12 _____
2 13 MARY E. KRAMER
2 14 President of the Senate

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2 18 CHRISTOPHER C. RANTS
2 19 Speaker of the House

2 20 I hereby certify that this bill originated in the Senate and
2 21 is known as Senate File 402, Eightieth General Assembly.

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2 26 MICHAEL E. MARSHALL
2 27 Secretary of the Senate

2 28 Approved _____, 2003

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2 30 _____
2 31 THOMAS J. VILSACK
2 32 Governor